

Remarks

Reconsideration of this application, as amended, is respectfully requested. Claims 1-4, 7-15, 30, and 33 have been amended without prejudice or disclaimer. Claims 16-29, 31, 32, 34, 37, and 38 have been cancelled without prejudice or disclaimer. With this amendment, claims 1-15, 30, 33, 35 and 36 are pending. Applicants reserve the right to prosecute any cancelled or otherwise unclaimed subject matter present in this application in a continuation, divisional, or other application. Consideration and entry of these amendments is respectfully requested.

Restriction Requirement

The Examiner requires election of one of twelve groups of claims. Applicants are required to make an election and hereby elect Group I with traverse. It is requested that Group I be modified to also include claims 33, 35 and 36 which are directed to vaccines comprising nucleic acid molecules encoding the polypeptide of SEQ ID NO.:2, SEQ ID NO.:6, or variants thereof. As such, modified Group I includes claims 1-15, 30, 33, 35, and 36. Applicants do not believe this grouping would place an undue search burden on the Examiner as the subject matter of all claims include limitations to a single set of nucleic acid sequences.

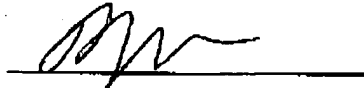
Applicants respectfully disagree with the Examiner regarding WO 02/14516 A1. The reference anticipates neither the originally filed claims nor the claims as amended herein.

CONCLUSIONS

Applicants believe the claims are in condition for allowance and respectfully request that a Notice of Allowance be issued as soon as possible. The Examiner is encouraged to contact the undersigned with any comments and / or questions.

Respectfully submitted,

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